

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTEM V. GELIS, BHAWAR PATEL,
ROBERT MCDONALD, JAMES V.
OLSON, GREGORY HEYMAN, SUSAN
HEYMAN, DEBRA P. WARD, DARRIAN
STOVALL, ALEX MARTINEZ, AMANDA
GOREY, CHRIS WILLIAMS, ASHOK
PATEL, KENNETH GAGNON, MICHAEL
CERNY, MARIA MEZA, ANDRE
MALSKIE, NICOLE GUY, DAVID
RICHARDSON, STACEY TURNER and
ERIC T. ZINN, individually and on behalf of
all others similarly situated,

Civil Action No. 2:17-cv-7386-WHW-CLW

Plaintiffs,

v.

BMW OF NORTH AMERICA, LLC,

Defendant.

**PLAINTIFFS' NOTICE OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE THAT Plaintiffs Artem V. Gelis, Bhawar Patel, Robert McDonald, James V. Olson, Gregory Heyman, Susan Heyman, Debra P. Ward, Darrian Stovall, Alex Martinez, Amanda Gorey, Chris Williams, Ashok Patel, Kenneth Gagnon, Michael Cerny, Maria Meza, Andre Malske, Nicole Guy, David Richardson, Stacey Turner And Eric T. Zinn, (collectively, "Plaintiffs") will move before the Honorable Cathy Waldor U.S.M.J., of the United States District Court for the District of New Jersey, located at Martin Luther King Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, on February 16, 2021 at 10:30 am, for a Final Order and Judgment:

1) granting Final Approval of the proposed class action Settlement;

- 2) certifying for Settlement purposes, and pursuant to the terms of the Settlement Agreement and Release dated August 21, 2020 (“Settlement Agreement”), the proposed Settlement Class for resolution of the above-captioned action;
- 3) appointing Rust Consulting as Claims Administrator;
- 4) appointing Kantrowitz, Goldhamer & Graifman, P.C., Thomas P. Sobran, P.C. and Nagel Rice, LLP as Settlement Class Counsel and approving the award of attorneys’ fees, reimbursement of expenses and the service award to the twenty class representatives; and,
- 5) approving the terms of the Settlement Agreement and the [Proposed] Final Approval Order as binding on the named Plaintiffs and all other Class Members, as well as their heirs, executors and administrators, successors and assigns, and Defendant BMW of North America, LLC.

In support thereof, Plaintiffs have contemporaneously filed a memorandum of law and the Joint Declaration of Gary S. Graifman, Thomas P. Sobran and Bruce H. Nagel, with exhibits thereto. BMW of North America, LLC, does not oppose Plaintiffs’ requested relief for final approval of the Settlement herein.

For the reasons set forth in the Memorandum of Law in Support of Final Approval of Class Action Settlement, Plaintiffs respectfully request that the Court grant their motion and enter the accompanying [Proposed] Final Order and Judgment.

Respectfully submitted,

**KANTROWITZ, GOLDHAMER &
GRAIFMAN, P.C.**

/s/ Gary S. Graifman
Gary S. Graifman, Esq.
Jay I. Brody, Esq.
135 Chestnut Ridge Road, Suite 200
Montvale, New Jersey 07645
Telephone: (201) 391-7000

Dated: February 1, 2021

THOMAS P. SOBRAN, P.C.

Thomas P. Sobran (*Pro Hac Vice*)

7 Evergreen Lane

Hingham, MA 02043

Telephone: (781) 741-6075

NAGEL RICE, LLP

Bruce H. Nagel, Esq.

Randee M. Matloff, Esq.

103 Eisenhower Parkway

Roseland, NJ 07068

Telephone: (973) 618-0400 (ext. 119)

Class Counsel for the Conditionally Certified Class

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court, is available for viewing and downloading from the ECF system, and will be served by operation of the Court's electronic filing system (CM/ECF) upon all counsel of record.

s/ Gary S. Graifman
Gary S. Graifman, Esq.